

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 05, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANDREW WAYNE WHITMIRE,

Petitioner,

v.

WASHINGTON STATE,

Respondent.

NO: 2:19-CV-418-RMP

ORDER DISMISSING ACTION

By Order filed February 6, 2020, the Court directed Petitioner Andrew Wayne Whitmire, a *pro se* prisoner at the Monroe Correctional Complex-Minimum Security Unit, to show cause why his Petition for Writ of Habeas Corpus, filed on December 5, 2019, should not be dismissed as time-barred under 28 U.S.C. § 2244(d). ECF No. 4. The Court cautioned Petitioner that his failure to respond would be construed as his consent to dismissal of this action.

Petitioner did not comply with the Order and has filed nothing further in this action. Accordingly, for the reasons set forth in the Order to Show Cause, **IT IS**

1 **ORDERED** this action is **DISMISSED WITH PREJUDICE** as time-barred
2 under 28 U.S.C. § 2244(d).

3 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
4 Order, enter judgment, provide copies to Petitioner, and **close the file**. The Court
5 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could
6 not be taken in good faith, and there is no basis upon which to issue a certificate of
7 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
8 appealability is therefore **DENIED**.

9 **DATED** May 5, 2020.

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11 *s/ Rosanna Malouf Peterson*
12 ROSANNA MALOUF PETERSON
13 United States District Judge
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